



PUBLIC SAFETY COMMITTEE MINUTES

REGULAR MEETING
Monday, February 22, 2016

Board Members in Attendance:

Cecil Bothwell, Brian Haynes

Guests in Attendance:

Michael Collins, Haley Benton, Byron Greiner, Carol Rogoff Hallstrom, Mayor Esther Manheimer, Sabra Inha Raven

Staff in Attendance:

Deputy Chief James Baumstark, Chief Scott Burnette, Alex Carmichael, Paul Fetherston, Christina Hallingse, Chief Tammy Hooper, Gary Jackson, John Maddux, Deputy Chief Wade Wood

1. CALL TO ORDER

Chairman Bothwell called the meeting to order at 3:33 PM. He said that Councilwoman Julie Mayfield was absent due to a meeting in Raleigh.

2. APPROVAL OF MINUTES

The minutes from the meeting of 1/25/2016 were approved on Chairman Bothwell's motion, Councilman Haynes's second on a 2-0 vote.

3. UPDATES

a. Public Safety Records

John Maddux, Assistant City Attorney

Chairman Bothwell recalled that Chief Hooper reviewed records rules at the last Public Safety Committee meeting, but Chairman Bothwell asked for the presentation from the City Attorney's Office due to the high level of public interest.

Assistant City Attorney John Maddux provided an oral presentation reviewing public records law, including right of access, exceptions to access, and procedures governing body camera video recordings in Asheville.

State law exempts public access to public records that are part of criminal intelligence, a criminal investigation, or personnel records. Asheville classifies body camera video recordings as criminal investigation and intelligence records. Other municipalities, such as Greensboro, classify them as personnel records. There appears to be interest in the General Assembly to classify body camera records at a State level.

The retention of video recordings follows the State retention schedule, as issued by the North Carolina Department of Culture. Asheville requested a local amendment for a 30 day retention period, which the Department of Culture granted.

Chairman Bothwell noted that if an investigation with body camera recordings became part of a criminal court case, the material could be turned over to the dense in the discovery process.

Councilman Haynes asked if other municipalities in North Carolina treat body camera video recordings as an open public record. Mr. Maddux replied that he was not aware of any.

4. New Business

a. Resurfacing Soccer Fields

Chairman Bothwell wished to discuss an item that was not on the agenda. Citizens have contacted him to express concerns over the planned resurfacing of the soccer fields at the John B. Lewis complex. They are concerned that the planned rubber pellet replacement material may not be safe.

City Manager Gary Jackson said that the Parks and Recreation Director will engage a third party to put together recommendations on materials and will report back to the Public Safety Committee.

5. PUBLIC COMMENT

- a.** Carol Rogoff Hallstrom expressed her appreciation that the City is moving on the body camera issue, which is an evolving issue. Ms. Rogoff Hallstrom recommended that the City invite representatives from the A.C.L.U. and attorneys of the media to provide countervailing concerns.
- b.** Michael Collins expressed his concerns that body camera recordings should be accessible to the public. Making body camera recordings public has a civilizing effect. He asked that the City consider his safety as well as his privacy when deciding about public access to the video records.
- c.** Byron Greiner of the Downtown Commission and the Downtown Association spoke about the smoking ban in the parks. He asked the Committee to reconsider the ban because it forces smokers onto the sidewalk and in front of business entrances. Councilman Bothwell noted that Black Mountain bans smoking on all of their sidewalks, but he has not heard how that has been received.

6. ADJOURN

Chairman Bothwell adjourned the meeting at 4:00 PM without objection.